

- Zawila stated that WPBI had paid Johnson \$750.00 in early November 2000.
229. Contrary to Zawila's representation, WPBI had not paid Johnson \$750.00 in early November 2000.
230. On June 7, 2001, Zawila knew that WPBI had not paid Johnson \$750.00 in early November 2000.
231. On June 7, 2001, in response to an inquiry by a field agent of the Commission about the location of the motor home that had purportedly been used as KKFO's main studio during the periods covered by the January 22, 1997, STA (and subsequent STAs), Zawila stated that he did not know the location because the motor home had been borrowed.
232. On June 7, 2001, in response to an inquiry by a field agent of the Commission of who operated KKFO, Zawila stated, "That is one of the questions we haven't answered yet. I have not been able to get that information together."
233. On June 7, 2001, in response to an inquiry by a field agent of the Commission of who operated KKFO, Zawila stated that he did not know.
234. On June 7, 2001, in response to an inquiry from a field agent of the Commission of what kind of inverter was used to operate the KKFO transmitter, Zawila stated that the motor home used for KKFO's operations had a generator.
235. On June 7, 2001, in response to an inquiry from a field agent of the Commission of the dates KKFO operated from the motor home, Zawila stated that he did not know those dates but that he would provide the information to the Commission "in a couple of days."

236. To date, Zawila has failed to provide the Commission the dates that KKFO operated out of a motor home.
237. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila to describe his relationship with Henry Cole ("Cole"), Zawila stated that Cole was going to buy KKFO.
238. On June 7, 2001, Zawila also stated to the Commission field agent that he (Zawila) did not know Cole's address.
239. On June 7, 2001, Zawila also stated to the Commission field agent that Cole "could be dead for all I know."
240. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila if Zawila could show the agent a map where the motor home was located during its periods of temporary operation under the STA, Zawila responded that he could if he had a site map.
241. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila if Zawila had any EAS logs for the temporary operations under the STA for KKFO, Zawila replied, "I don't have the stuff ready."
242. On June 7, 2001, Zawila knew that he did not have any EAS logs during the periods, if any, that KKFO operated under authority of the January 22, 1997, STA (or any subsequent STA).
243. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila whether, as Chief Operator of KKFO, Zawila would be able to explain the steps by which the station conducted weekly and

monthly tests of the EAS, Zawila stated, "We initiate tests, also the monitoring of location stations, also same thing for monthly tests, audio is in the EAS box."

244. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila whether Zawila reviewed KKFO's EAS logs and signed and dated them as required, Zawila stated, "I have reviewed some of the logs, some of them I have not. I don't have everything here so I can't tell you the sequence of EAS tapes."
245. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila whether Zawila could provide names, addresses, or telephone numbers of any operators that were stationed in the motor home during the periods, if any, that KKFO operated under authority of the January 22, 1997, STA (or any subsequent STA), Zawila responded, "I am trying to work out a schedule" to provide the Commission.
246. To date, Zawila has failed to provide the Commission the names, addresses, or telephone numbers of any operators that were stationed in the motor home during the periods, if any, that KKFO operated under authority of the January 22, 1997, STA (or any subsequent STA).
247. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila whether Zawila had the dates that KKFO operated at the site authorized by the January 22, 1997, STA (or any subsequent STA), Zawila stated, "I am trying to work out a schedule" to provide the Commission.

248. To date, Zawila has failed to provide the Commission the dates that KKFO operated at the site authorized by the January 22, 1997, STA (or any subsequent STA).
249. On June 7, 2001, in response to an inquiry from a field agent of the Commission asking Zawila the location of the KKFO public inspection file, Zawila stated that the public inspection file was in his office in Garden Grove, California.
250. On June 7, 2001, in response to an inquiry from a field agent for the Commission asking Zawila if he had the EAS equipment for KKFO in Zawila's office, Zawila stated, "I think the EAS stuff is up at Jay's office in La Crescenta. He is working on it for me. He is a good technician."
251. On June 7, 2001, KKFO's public inspection file did not include contour maps.
252. Attached hereto as Attachment 9 is a true and accurate copy of a January 25, 2002, letter (the "January 25, 2002, Letter") from the Commission to WPBI in care of Zawila.
253. On February 22, 2002, Zawila, on behalf of WPBI, requested a 30-day extension of time within which to respond to the January 25, 2002, Letter.
254. On February 28, 2002, the Commission granted WPBI an extension to March 27, 2002 to respond to the January 25, 2002, Letter.
255. On March 26, 2002, Zawila, on behalf of WPBI, requested a further 30-day extension of time to respond to the January 25, 2002, Letter.
256. On April 29, 2002, Zawila, on behalf of WPBI, requested a further 30-day extension of time to respond to the January 25, 2002, Letter

257. On May 28, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
258. On June 18, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
259. On July 8, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
260. On July 28, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
261. On August 19, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
262. On September 9, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
263. On September 30, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
264. On October 21, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
265. On November 10, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, Letter.
266. On December 1, 2002, Zawila, on behalf of WPBI, requested a further 20-day extension of time to respond to the January 25, 2002, letter.
267. Attached hereto as Attachment 10 is a true and accurate copy of a February 22, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
268. Attached hereto as Attachment 11 is a true and accurate copy of a February

- 28, 2002, letter from the Commission to WPBI.
269. Attached hereto as Attachment 12 is a true and accurate copy of a March 26, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
270. Attached hereto as Attachment 13 is a true and accurate copy of an April 29, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
271. Attached hereto as Attachment 14 is a true and accurate copy of a May 28, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
272. Attached hereto as Attachment 15 is a true and accurate copy of a June 18, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
273. Attached hereto as Attachment 16 is a true and accurate copy of a July 8, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
274. Attached hereto as Attachment 17 is a true and accurate copy of a July 28, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
275. Attached hereto as Attachment 18 is a true and accurate copy of an August 19, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
276. Attached hereto as Attachment 19 is a true and accurate copy of a September 9, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
277. Attached hereto as Attachment 20 is a true and accurate copy of a September 30, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
278. Attached hereto as Attachment 21 is a true and accurate copy of an October 21, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
279. Attached hereto as Attachment 22 is a true and accurate copy of a November 10, 2002, letter from Zawila, on behalf of WPBI, to the Commission.

280. Attached hereto as Attachment 23 is a true and accurate copy of a December 1, 2002, letter from Zawila, on behalf of WPBI, to the Commission.
281. To date, WPBI has not provided any substantive information in response to the January 25, 2002, Letter's inquiries, other than what is represented in WPBI's March 26, 2002, letter (the "March 26, 2002, Letter") to the Commission.
282. The March 26, 2002, Letter did not address the Commission's January 25, 2002 tentative conclusion that KKFO's license had expired due to the station's failure to transmit a broadcast signal for over 12 consecutive months.
283. To date, WPBI has not addressed the January 25, 2002, Letter's tentative conclusion that KKFO's license had expired due to the station's failure to transmit a broadcast signal for over 12 consecutive months.
284. To the March 26, 2002, Letter, Zawila, on behalf of WPBI, attached documents that he contends "demonstrate that KKFO(AM) was not evicted for non-payment of rent."
285. Zawila provided only the following three documents to the Commission with the March 26, 2002, Letter, which Zawila contends "demonstrate that KKFO(AM) was not evicted for non-payment of rent":

(1) A "Declaration of Dorothy Ingham in Support of Motion for Summary Judgment by Plaintiff on Plaintiff's Complaint for Unlawful Detainer," dated August 18, 1995, and bearing the caption of the case, City of Coalinga v. Coalinga Broadcasting Company, Inc., a California Corporation, d/b/a Radio Station KKFO AM 1470, Case No. C95000095-0, in the Central Valley Municipal Court, Coalinga Division;

(2) a letter dated June 30, 1995, from Dotty Ingham, Finance Director, City of Coalinga, to "Coalinga Broadcasting Company,

Inc., KKFO,” care of Zawila’s address; and

(3) an invoice from the City of Coalinga to “Coalinga Broadcasting Co., Inc.” at Zawila’s address, dated May 3, 1995.

286. Attached hereto in Attachment 24 is a true and accurate copy of the following document:

a “Declaration of Dorothy Ingham in Support of Motion for Summary Judgment by Plaintiff on Plaintiff’s Complaint for Unlawful Detainer,” dated August 18, 1995, and bearing the caption of the case, City of Coalinga v. Coalinga Broadcasting Company, Inc., a California Corporation, d/b/a Radio Station KKFO AM 1470, Case No. C95000095-0, in the Central Valley Municipal Court, Coalinga Division.

287. Attached hereto in Attachment 25 is a true and accurate copy of the following document:

a letter dated June 30, 1995, from Dotty Ingham, Finance Director, City of Coalinga, to “Coalinga Broadcasting Company, Inc., KKFO,” care of Zawila’s address.

288. Attached hereto in Attachment 26 is a true and accurate copy of the following document:

an invoice from the City of Coalinga to “Coalinga Broadcasting Co., Inc.” at Zawila’s address, dated May 3, 1995.

289. WPBI does not currently have or maintain a main studio for KKFO.

290. WPBI has not had or maintained a main studio for KKFO since its eviction from the KKFO Licensed Site.

291. WPBI does not currently maintain a meaningful management and staff presence at what purports to be the KKFO main studio during regular business hours.

292. WPBI has failed to maintain a meaningful management and staff presence at

the KKFO main studio during regular business hours since its eviction from the KKFO Licensed Site.


293. WPBI does not currently maintain a complete public inspection file at the purported main studio for KKFO or within the station's community of license.
294. WPBI has failed to maintain a complete public inspection file at the purported main studio for KKFO or within the station's community of license since its eviction from the KKFO Licensed Site.
295. WPBI does not currently have a complete public inspection file available for *inspection during regular business hours*.
296. WPBI has failed to have a complete public inspection file available for inspection during regular business hours since its eviction from the KKFO Licensed Site.
297. WPBI does not currently maintain a station log.
298. WPBI has failed to maintain a station log since its eviction from the KKFO Licensed Site.
299. WPBI has repeatedly failed to make station logs available to Commission staff upon Commission request.
300. WPBI has repeatedly failed to make station facilities available to Commission staff upon Commission request.
301. Since its eviction from the KKFO Licensed Site, KKFO has repeatedly failed to notify the Commission not later than the tenth day of limited or discontinued operation that KKFO was not adhering to the minimum operating schedule as required by Section 73.1740(a)(4) of the Commission's


Rules.


302. Since its eviction from the KKFO Licenses Site, KKFO has repeatedly failed to make all required requests for additional time to restore KKFO's minimum operating schedule as required by Section 73.1740(a)(4) of the Commission's Rules.

303. Since its eviction from the KKFO Licensed Site, KKFO has repeatedly failed to make all required equipment performance measurements upon installation of a new or replacement main transmitter, and annually thereafter.

Respectfully submitted,

for 
Maureen F. Del Dúca
Chief, Investigations and Hearings Division
Enforcement Bureau


James W. Shook
Attorney


David M. Janas
Attorney

Federal Communications Commission
445 12th Street, S.W., Room 3-B443
Washington, D.C. 20554
(202) 418-1420

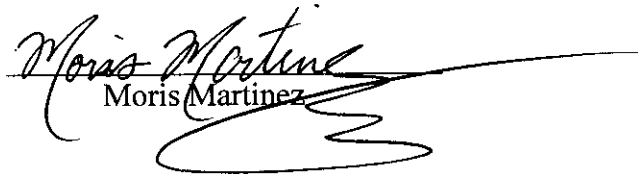
September 10, 2003

CERTIFICATE OF SERVICE

Moris Martinez, a clerk in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has, on this 10th day of September, 2003, sent by first class United States mail, electronic mail (e-mail) or delivered by hand, in the manner noted below, copies of the foregoing "Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents" to:

Howard J. Braun, Esq. and Shelley Sadowsky, Esq.
(by first class mail and e-mail without attachments)
Katten Muchin Zavis Rosenman
1025 Thomas Jefferson Street, N.W.
Suite 700 East Lobby
Washington, D.C. 20007-5201
Attorney for Western Pacific Broadcasting, Inc.

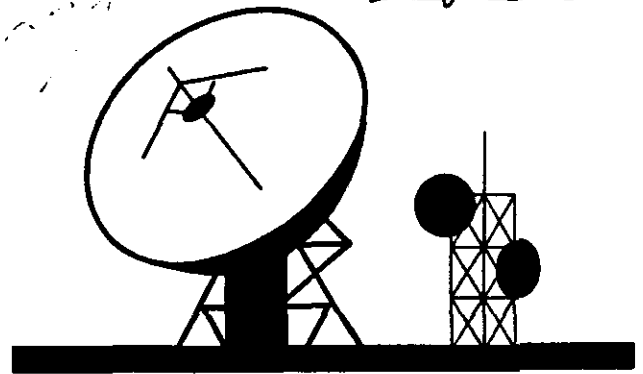
Administrative Law Judge Arthur I. Steinberg (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, D.C. 20054


Moris Martinez

Attachment 1

Pacific Radio Engineering

A Division of Motion Corporation
P.O. Box 6430, Orange, CA 92863-6430
714-974-0200 Fax 714/974-3969



6 Feb 97

Secretary
Federal Communications Commission
1919 "M" Street, NW
Washington, DC 20054

RECEIVED

FEB 07 1997

AUDIO SERVICES DIVISION

Secretary:

Re: KKFO(AM)
Coalinga, CA

Please be advised that radio station KKFO(AM), licensed to Coalinga, CA, resumed broadcasting on 6 Feb 97.

Sincerely yours,

George Smith

George Smith
Staff Engineer
PACIFIC RADIO ENGINEERING

GS/ss
CC: Files (1)
William Zawila
Sharlene Lofty [Fax: 202-418-1411]
Encl: Two copies

Attachment 2



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
San Francisco Office
5653 Stoneridge Dr., Suite 105
Pleasanton, California 94588
(925) 416-9776

April 18, 2001

CERTIFIED MAIL – Return Receipt Requested

Western Pacific Broadcasting, Inc.
Radio Station KKFO(AM), Coalinga, CA
c/o William L. Zawila, Attorney at Law
12550 Brookhurst Street, Suite A
Garden Grove, CA 92840

Dear Mr. Zawila:

Refer To: EB-01-SF-108

On March 19, 2001, an agent from the FCC's San Francisco Field Office attempted an inspection of the facilities of station KKFO(AM) in Coalinga, CA at the request of the FCC's Audio Services Division (ASD) of the Mass Media Bureau.

The agent found no evidence that station KKFO(AM) had been in operation since the station was evicted from the authorized site at the City of Coalinga Wastewater Treatment plant on September 15, 1995.

On March 26, 2001, an agent of the FCC's Los Angeles Field Office conducted a follow-up inspection of station KKFO's Public Inspection File in Garden Grove, CA and interviewed you regarding the station. The agent confirmed that station KKFO's Public Inspection File was maintained at 12550 Brookhurst Street, Suite A, Garden Grove, CA and learned that the radio equipment for the station was placed in storage in Garden Grove.

Because the station was not on the air and there was no evidence of any broadcast facilities at either the licensed or temporary site in Coalinga, CA, the agent needs to determine to what extent station KKFO(AM) had been in operation at the temporary site, the status of the main studio and presence in the community of license. You are requested to submit the following records:

1. A listing and description, including true and correct copies of all relevant documents, of any and all use permits, zoning approvals, construction permits or authorizations, or other documents from local authorities authorizing the construction of KKFO's broadcast facilities (including but not limited to its transmitter, antenna tower, antenna and studios), and any and all city, county, or state licenses obtained by Western Pacific Broadcasting, Inc. (WPBI);
2. A listing and description, including true and correct copies of all relevant documents, of any and all purchase or lease agreements or other agreements for the purchase or rental of, or other permission to use, the land and/or space for KKFO's facilities (including but not limited to

transmitter and equipment buildings or enclosures, towers, antennas, and studios);

3. A listing and description, including true and correct copies of all relevant documents, of any and all agreements for the purchase or lease of equipment utilized in WPBI's construction and operation of KKFO(AM) (including but not limited to purchase agreements, lease or rental agreements, invoices, copies of checks evidencing purchase or lease payments, financing documents, and UCC-1 filings), which shall identify the vendor(s) and lessor(s), and shall itemize the equipment purchased or leased;

4. A listing of all contractors employed by WPBI in the construction of KKFO's broadcast facilities (including but not limited to site and site utility work, tower erection, antenna installation, and wiring), to include the names, current addresses, and current telephone numbers of all contractors and the amounts paid to each, and also to include true and correct copies of all relevant documents (including but not limited to contracts, invoices, and checks evidencing payments);

5. A listing of all operators, contractors, consultants and staff employed or utilized by WPBI to perform any and all services (including but not limited to maintenance, control, or operation) at station KKFO's facilities showing the dates and times each person worked at the main studio or transmitter site from August 20, 1999 to the date of response, to include the names, current addresses, and current telephone numbers of all persons who kept station KKFO(AM) in operation and the amounts paid to each, and also to include true and correct copies of all relevant documents (including but not limited to W2's, earning statements and other records evidencing payment for services rendered and/or for employment);

6. A listing of all persons staffed at KKFO's main studio during normal business hours maintaining a human presence at least 8 hours per weekday, to include the names, addresses and telephone numbers of all persons stationed at the studio and to specify the date, time and period of each person who was present at the main studio from August 20, 1999 to the date of response;

7. A listing and description of any and all payments by WPBI for utilities used in the construction and operation of KKFO(AM) (including but not limited to electric, natural gas, telephone including studio-transmitter connections, and water bills), including true and correct copies of utility bills and invoices, checks evidencing payment of said bills and invoices, and receipts for payment, for the time period from August 20, 1999 to the date of response;

8. The date(s) on which KKFO(AM) commenced and ceased broadcasting under STA; a list and description of all programming broadcast by KKFO(AM); a list and description of any and all agreements for underwriting programming on KKFO(AM); and true and correct copies of any and all documents that refer or relate in any way to programming broadcast by KKFO(AM), including but not limited to underwriting and other agreements, copies of checks evidencing payments, program guides, and program logs;

9. A true and correct copy of any and all station logs and other records kept pursuant to 47 C.F.R. § 73.1820 for KKFO(AM) from August 20, 1999 to the date of response, including but not limited to all documents containing entries pertaining to equipment status, equipment calibration, the Emergency Alert System (EAS), and equipment performance measurements:

10. A true and correct copy of the letter designating the chief operator for station KKFO(AM) and an acknowledgement that the operator was aware of the designation, duties and responsibilities;

11. A true and correct copy of telephone statements and/or public notices showing that station KKFO(AM) maintained a local or toll free telephone number within its community of license.

And provide a written description and explanation for the following:

12. A description of the location(s) of station KKFO's (a) Public Inspection File and (b) main studio, at all times, to include the addresses of premises where the Public Inspection File is maintained and of the main studio, and names, addresses and telephone numbers of the lessors of the premises;

13. A description of the location and address where station KKFO's antenna, supporting structure, transmitting and EAS equipment used at the temporary site, to include the name, address and telephone number of the lessor of the premises where the equipment is stored and may be inspected;

14. A description of the established monitoring procedures and schedules for station KKFO(AM) to enable the station to determine compliance with 47 C.F.R. § 73.1560 regarding operating power and 47 C.F.R. § 73.1570 regarding modulation levels;

15. A description of the established monitoring procedures and schedules for station KKFO(AM) to conduct periodic inspection of the transmitting system and all monitors and to periodically calibrate indicating instruments to meet the requirements of 47 C.F.R. §§ 73.1215, 73.1350(c) & 73.1580.

In addressing the above items, WPBI shall organize its responses *seriatim* to correspond with the item numbers. Additionally, all documents produced shall be organized and labeled to correspond with the numbered items.

Please submit your reply together with the requested records and documents to this office at the address in the letterhead within fourteen (14) days of receipt of this letter.

Failure to provide the documents requested and a complete reply to each item above within the time period specified may result in revocation of the station authority. We will not entertain

Western Pacific Broadcasting, Inc.
Radio Station KKFO(AM), Coalinga, CA

Case No: EB-01-SF-108
Page 4

requests for extensions of time to respond except in extraordinary circumstances, supported by appropriate evidence.

Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

Any false statement made knowingly and willfully in reply to this letter is punishable by fine or imprisonment under Title 18 of the U.S. Code, 18 U.S.C. §§ 1001 *et seq.*

Sincerely,

David Doon
Agent

Attachment 3

William L. Zawila
ATTORNEY AT LAW

12580 BROOKHURST STREET
GARDEN GROVE, CALIFORNIA 92640
(714) 636-6040

May 18, 2001

David Doon, Agent
Federal Communications Commission
5653 Stoneridge Drive - Suite 105
Pleasanton, CA 94588

BY FAX

Re: Radio Station KKFO(AM), Coalinga, CA
Reference No.: EB-01-SF-108
Enclosed Documents
Your Letter of April 18, 2001

RECEIVED

MAY 21 2001

FCC SAN FRANCISCO

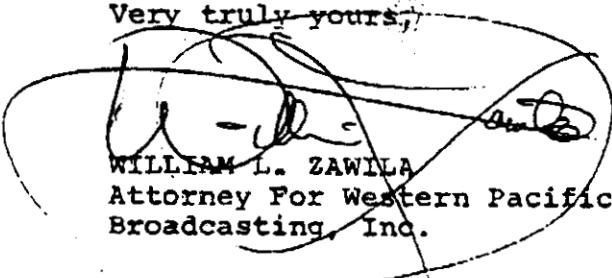
Dear Mr. Doon:

Enclosed you will find a response to your letter of April 18, 2001, regarding Radio Station KKFO(AM), Coalinga, California.

Per your request, the following information and documents are organized to correspond with the numbers set forth in your letter.

WLZ/jc
encls

Very truly yours,


WILLIAM L. ZAWILA
Attorney For Western Pacific
Broadcasting, Inc.

ITEM #1

Western Pacific Broadcasting, Inc. has no documents as specified in item #1.

ITEM #2

The STA operation for KKFO(AM) required only small portable equipment that was installed on and in a motorhome with its own power source. The main studio for KKFO(AM) was located in the motorhome and the transmission system for KKFO(AM) was located on and in the motorhome. Permission to locate the KKFO(AM) STA facility at the transmitter site was obtained from Henry Cole in January, 1997. This was a temporary arrangement until KKFO(AM) could secure a permanent transmitter site. There is no written agreement regarding this matter as this was an informal oral arrangement.

ITEM #3

Attached are copies of documents reflecting equipment used in the KKFO(AM) STA operation.

ITEM #4

Contractors involved in the construction of the KKFO(AM)
STA facility include:

Darren Johnson, 12131 Beach Blvd., Stanton, California,
telephone number (714)893-8300. Paid \$750.00 in cash.

ITEM #5

This information will be provided under separate cover.